

MARC J. ZILVERSMIT, ESQ. (State Bar No. 132057)  
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San Francisco, CA 94102  
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Attorney for Petitioner  
WADE ROBERTSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

WADE ROBERTSON

Plaintiff,

vs.

SHIRAZ QADRI, et. al.

Defendants.

No. 06-CV-04624-JF

**ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER  
CASES SHOULD BE RELATED;  
PROPOSED ORDER**

(Local Rule 3-12)

Pursuant to Local Rule 3-12, notice is hereby given that the above case may be related to a recently filed case, *Wade Robertson v. Rise Jones Pichon, Judge of the Santa Clara Superior Court, and the Attorney General of the State of California*, No. 10-CV-5027-JW.

*Robertson v. Qadri*, is a civil suit alleging a conspiracy to violate plaintiff's civil rights by defendant Qadri. The allegations involve defendant Qadri's report to Palo Alto police of alleged driving under the influence by plaintiff Robertson, leading to Robertson's arrest on April 28, 2006. The case was assigned to the Hon. Jeremy Fogel. This suit was dismissed at least in part because the Court held that civil relief was barred because habeas relief was available. *See Heck v. Humphrev*, 512 U.S. 477 (1994). An appeal of that dismissal is before the Ninth Circuit.

*Robertson v. Pichon*, is a petition for writ of habeas corpus challenging the state conviction for driving under the influence from the same April 28, 2006 arrest. This case was

1 filed on November 5, 2010, and is initially assigned to Hon. James Ware.

2 The actions concern some of the same parties and some of the same events. Further,  
3 Judge Fogel's ruling in *Robertson v. Qadri* suggests that unless the case of *Robertson v. Pichon*  
4 is related, there may be an unduly burdensome duplication of labor and expense. Thus, this  
5 Court may deem that the cases are related per Local Rule 3-12(a)(1), (2).

6 Dated: November 10, 2010

Respectfully submitted,

7 /s/  
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9 MARC J. ZILVERSMIT  
10 Counsel for Petitioner  
11 Wade Robertson in  
12 *Robertson v. Pichon*, No. 10-CV-5027-JW  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
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10 WADE ROBERTSON

11 Plaintiff,

12 vs.

13 SHIRAZ QADRI

14 Defendants.  
15

No. 06-CV-04624-JF

**~~[PROPOSED]~~ ORDER RE:  
ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER  
CASES ARE RELATED**

16 After due consideration, the case of *Wade Robertson v. Rise Jones Pichon*, Judge of the  
17 *Santa Clara Superior Court, and the Attorney General of the State of California*, No. 10-CV-  
18 5027-JW [is] ~~is not~~ deemed related to *Wade Robertson v. Shiraz Qadri*, No.  
19 06-CV-04624-JF.

20 The case of *Wade Robertson v. Rise Jones Pichon*, Judge of the *Santa Clara Superior*  
21 *Court, and the Attorney General of the State of California*, No. 10-CV-5027-JW [is] ~~is not~~  
22 ordered reassigned to the Hon. Jeremy Fogel.

23 Dated: 11/15/10  
24

25   
JUDGE OF THE DISTRICT COURT  
26  
27  
28

**DECLARATION OF SERVICE BY ECF AND MAIL**

**RE: ROBERTSON V. QADRI**

**No. 06-CV-04624-JF**

I, Marc J. Zilversmit, declare that I am over 18 years of age and not a party to the within cause; my business address is 523 Octavia St., San Francisco, CA 94102.

I hereby certify that on November 10, 2010, I electronically filed the foregoing ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES ARE RELATED with the Clerk of the Court for the Northern District of California by using the ECF system.

Participants in the case *Robertson v. Qadri*, No. 06-CV-04624-JF, who are registered ECF users will be served by the ECF system.

I further certify that I have served participants in the potentially related case *Wade Robertson v. Rise Jones Pichon, Judge of the Santa Clara Superior Court, and the Attorney General of the State of California*, No. 10-CV-5027-JW by mail. I have mailed the foregoing document by First-Class Mail, postage prepaid to the following non-ECF participants:

Office of the District Attorney  
70 West Hedding Street, West Wing  
San Jose, CA 95110

Hon. Rise Jones Pichon  
Santa Clara Superior Court  
191 N. First St.  
San Jose, CA 95113

Office of the Attorney General  
455 Golden Gate Avenue, 11<sup>th</sup> Floor  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 10, 2010 at San Francisco, California.

/s/

\_\_\_\_\_  
Marc J. Zilversmit